IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

BEST MEDICAL INTERNATIONAL, INC.
 	
                         Plaintiff,
 	
        vs.
 	
ACCURAY, INC., a corporation;
 	
                      Defendant.
	Case No. 2:10-CV-1043 (TFM)

**DEFENDANT ACCURAY INCORPORATED'S IDENITFICATION OF
EXTRINSIC EVIDENCE PURSUANT TO LOCAL PATENT RULE 4.3**

Pursuant to L.P.R. 4.3 and the Amended Case Management Order (Docket No. 130),

Defendant Accuray Incorporated hereby identifies the following extrinsic evidence in further

support of its proposed claim constructions for the disputed terms in United States Patent No.

6,038,283 ("the '283 patent"):

EXHIBIT NO.	DESCRIPTION
1	Bortfeld T and Schlegel W (1993). "Optimization of beam orientations in radiation therapy: some theoretical considerations." <u>Phys Med Biol</u> 38: 291-304.
2	Carol MP (1995). "Peacock: A system for planning and rotational delivery of intensity-modulated fields." <u>Int J Imaging Sys and Tech</u> 6:56-61.
3	Carol MP(1997). IMRT: Where we are today. <u>The theory and practice of intensity modulated radiation therapy</u>. Ed: ES Sternick. Advanced Medical Publishing**.** pp 17-36.
4	Carol MP(1997). Where we go from here: One person's vision. <u>The theory and practice of intensity modulated radiation therapy</u>. Ed: ES Sternick. Advanced Medical Publishing**.** pp 243-252.
5	Carol MP, Nash RV, et al. (1997). "The development of a clinically intuitive approach to inverse treatment planning: Partial volume

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	prescription and area cost function." <u>Proceedings of the XIIth International Conference on the Use of Computers in Radiation Therapy</u>. Ed: DD Leavitt, G Starkschall. Medical Physics Publishing, Madison. pp 317-319.
6	Deasy JO (1997). "Multiple local minima in radiotherapy optimization problems with dose-volume constraints." <u>Med Phys</u> 24(7): 1157-61.
7	Kallman P, Lind BK, et al. (1992). "An algorithm for maximizing the probability of complication-free tumour control in radiation therapy." <u>Phys Med Biol</u> 37: 871-890.
8	Kirkpatrick S, Gelatt CD, et al. (1983). "Optimization by simulated annealing." <u>Science</u> **220**: 671-680.
9	Langer M, Brown R, et al. (1996). "A generic genetic algorithm for generating beam weights." <u>Med Phys</u> 23(6): 965-71.
10	Langer M, Morrill S, et al. (1996). "A comparison of mixed integer programming and fast simulated annealing for optimizing beam weights in radiation therapy." <u>Med Phys</u> 23(6): 957-64.
11	Mageras GS and Mohan R (1993). "Application of fast simulated annealing to optimization of conformal radiation treatments." <u>Med Phys</u> 20: 639-647.
12	Morrill SM, Lane RG, et al. (1991). "Treatment planning optimization using constrained simulated annealing." <u>Phys Med Biol</u> 36(10): 1341-1361.
13	Morrill SM, Lane RG, et al. (1990). "Constrained simulated annealing for optimized radiation therapy treatment planning." <u>Computer Methods and Programs in Biomedicine</u> 33: 135-144.
14	Niemierko A (1992). "Random search algorithm (RONSC) for optimization of radiation therapy with both physical and biological end points and constraints." <u>Int J Radiat Oncol Biol Phys</u> **23**: 89-98.
15	Rosen II, Lam KS, et al. (1995). "Comparison of simulated annealing algorithms for conformal

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	therapy treatment planning." Int J Radiat Oncol Biol Phys 33(5): 1091-1099.
16	Rosen II, Lane RG, et al. (1991). "Treatment plan optimization using linear programming." Med Phys 18(2): 141-152.
17	Spirou S and Chui CS (1998). "A gradient inverse planning algorithm with dose-volume constraints." Medical Physics 25(3): 321-333.
18	Szu H, Hartley R (1987). "Fast simulated annealing." Phys Let A 122:157-162.
19	Morrill SM, Kam Shing Lam, et al. (1995). "Very Fast Simulated Reannealing in Radiation Therapy Treatment Plan Optmization." Int. J. Rad. Oncol. Biol. Phys. 31(1):179-188.
20	Webb S (1991). "Optimization by simulated annealing of three-dimensional conformal treatment planning for radiation fields defined by a multileaf collimator." Phys Med Biol **36**: 1201-1226.
21	Webb S (1992). "Optimization by simulated annealing of three-dimensional, conformal treatment planning for radiation fields defined by a multileaf collimator: II. Inclusion of two-dimensional modulation of the x-ray intensity." Phys Med Biol 37: 1689-1704.
22	Webb S (1997). Inverse planning for IMRT: The role of simulated annealing. The theory and practice of intensity modulated radiation therapy. Ed: ES Sternick. Advanced Medical Publishing**.** pp 51-73.
23	Yu Y (1997). "Multiobjective decision theory for computational optimization in radiation therapy." Med Phys 24(9): 1445-1454.

Accuray further identifies the Declaration of Dr. Isaac I. Rosen (filed concurrently

herewith) relating to radiation treatment planning optimization in general, including but not

limited the technology described in the '283 patent. To the extent it would assist the Court,

Accuray can arrange to have Dr. Rosen available at the claim construction hearing to present a

tutorial or answer questions on the technology at issue in this case. Accuray may also utilize

demonstrative exhibits at the claim construction hearing (whether Dr. Rosen participates or not).

Accuray reserves the right to rely on additional intrinsic evidence and/or extrinsic

evidence as may be appropriate in order to respond to arguments made by Plaintiff in its briefing

or at the Claim Construction hearing.

Dated: March 29, 2012

/s/ Kirsten R. Rydstrom
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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Western District of Pennsylvania, using the electronic case filing system of the court. The electronic case filing system will send notice of such filing to all counsel of record. Counsel may access such documents using the Court's system.

/s Kirsten Rydstrom
Attorney for Defendant Accuray Incorporated

Dated: March 29, 2012